IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

WEDNESDAY, THE 20TH JUNE 2007 / 30TH JYAISHTA 1929

WP(C).No. 18945 of 2007(E)

AGAINST THE ORDER IN EP 7 2006 IN
OS.155/2002 of SUB COURT, TIRUR

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PETITIONER:

AALIKKAVEETTIL ABDUL MANSUR,
S/O.ABDULLAKOYA, NELLOLIVEETTIL,
CHERUVANNOOR AMSOM DESOM, KOZHIKODE
DISTRICT.

BY ADV. SRI.T.G.RAJENDRAN

RESPONDENTS:

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1. KUNDIL ALUNGAL MUSTHAFA,
S/O.MUHAMMED, FEROKE AMSOM,
NELLUR DESOM, KOZHIKODE.

2. CHALIKADAVATH MALIYIL ABUSUFIYAN,
S/O.BEERAN, FEROKE AMSOM, NELLUR DESOM,
KOZHIKODE.

3. MOOLATHIL MOHAMMED HASSAN,
S/O.ISMAYIL KUTTY HAJI,
TRIKKULAM AMSOM DESOM,
TIRURANGADI TALUK, MALAPPURAM.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 20/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN, J.

WP(C).No. 18945 OF 2007 E

Dated this the 20th June, 2007.

JUDGMENT

This writ petition is filed seeking to quash the order dated 19.3.2007. The writ petitioner is the judgment debtor in the suit. The decree holder has filed an application for execution of the decree by way of sale of the properties shown in Ext.P1. It is contended that the property even in 2001 is worth more than Rs.2,000/- per cent and the entire property need not have to be sold in auction for the purpose of realising the amount. I have gone through the schedule. The total extent of the property which is described in four items comes to about 3.50 acres. There appears to be considerable force in the contention of the writ petitioner and it appears that the sale of the entire property is not necessary for discharging the decree debt. Therefore the learned Subordinate Judge, Tirur is directed to hear the objection of the writ petitioner and direct the decree holder to produce a fresh draft proclamation and show all the necessary details as envisaged in Order XXI Rule 66 to 72 CPC. Therefore, the order under challenge is set aside and the matter is remitted back to the Subordinate Judge's

Court, Tirur for fresh consideration in accordance with law. Writ petition is disposed of accordingly.

M.N. KRISHNAN
Judge

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